

1 15A NCAC 18A.2528 is proposed for amendment as follows:

2 **15A NCAC 18A .2528 FENCES**

3 (a) Public Swimming pools shall be completely enclosed by a fence, wall, building, or other enclosure, or any
4 combination thereof, which encloses the swimming pool area such that all of the following conditions are met:

- 5 (1) The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier
6 that faces away from the swimming pool. The maximum vertical clearance between grade and the
7 bottom of the barrier shall be two inches measured on the side of the barrier that faces away from
8 the swimming pool;
- 9 (2) Openings in the barrier shall not allow passage of a four-inch-diameter sphere and shall provide no
10 external handholds or footholds. Solid barriers that do not have openings shall not contain
11 indentations or protrusions except for normal construction tolerances and tooled masonry joints;
- 12 (3) Where the barrier is composed of horizontal and vertical members and the distance between the
13 tops of the horizontal members is 45 inches or more, spacing between the vertical members shall
14 not exceed four inches. Where there are decorative cutouts within the vertical members, spacing
15 within the cutouts shall not exceed 1.75 inches in width;
- 16 (4) Where the barrier is composed of horizontal and vertical members and the distance between the
17 tops of the horizontal members is less than 45 inches, the horizontal members shall be located on
18 the swimming pool side of the fence. Spacing between the vertical members shall not exceed 1.75
19 inches in width. Where there are decorative cutouts within the vertical members, spacing within
20 the cutouts shall not exceed 1.75 inches in width;
- 21 (5) Maximum mesh size for chain link fences shall be a 2.25 inch square unless the fence is provided
22 with slats fastened at the top or the bottom that reduce the openings to no more than 1.75 inches;
- 23 (6) Where the barrier is composed of diagonal members, the maximum opening formed by the
24 diagonal members shall be no more than 1.75 inches;
- 25 (7) Access gates shall comply with the dimensional requirements for fences and shall be equipped to
26 accommodate a locking device. Effective April 1, 2011, pedestrian access gates shall open
27 outward away from the pool and shall be self-closing and have a self-latching device except where
28 a gate attendant and lifeguard are on duty. Gates other than pedestrian access gates shall have a
29 self-latching device. Where the release mechanism of the self-latching device is located less than
30 54 inches from the bottom of the gate, the release mechanism shall require the use of a key,
31 combination or card reader to open or shall be located on the pool side of the gate at least three
32 inches below the top of the gate, and the gate and barrier shall have no openings greater than 0.5
33 inch within 18 inches of the release mechanism; and
- 34 (8) Ground level doors and windows opening from occupied buildings to inside the pool enclosure
35 shall be self-closing or child protected by means of a barrier or audible alarm.

36 (b) Public swimming pool fences constructed prior to May 1, 2010 may vary from the provisions of Paragraph (a)
37 of this Rule as follows:

- 38 (1) the maximum vertical clearance between grade and the bottom of the barrier may exceed two
39 inches, but shall not exceed four inches;
- 40 (2) where the barrier is composed of vertical and horizontal members and the space between vertical
41 members exceeds 1.75 inches, the distance between the tops of the bottom horizontal member and
42 the next higher horizontal member may be less than 45 inches, but shall not be less than 30 inches;
- 43 (3) gates other than pedestrian access gates are not required to have self-latching devices if the gates
44 are kept locked; and
- 45 (4) gates may swing towards a pool where natural topography, landscape position or emergency
46 egress requirements prevent gates from swinging away from the pool.

47 (c) Public swimming pools permitted prior to April 1, 2010 with existing fences that do not comply with the
48 dimensional requirements of paragraphs (a)(1) through (a)(6) and (b)(1) through (b)(2) shall not be denied an
49 operation permit solely due to the preexisting non-compliance. Operation permits shall be denied to an owner or
50 operator that fails to comply with these provisions when:

- 51 (1) at least fifty percent (50%) of the fence has been damaged or destroyed; or
52 (2) the owner or operator elects to replace the fence.

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54 *History Note: Authority G.S. 130A-282;*

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